



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,975	11/13/2001	Shunji Imai	43890-552	6015

7590 09/02/2005

MCDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER
----------

PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
----------	--------------

1746

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/986,975

Applicant(s)

IMAI ET AL.

Examiner

Joseph L. Perrin, Ph.D.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-36 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 and 23-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 and 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 August 2005 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 19 August 2005 have been fully considered but they are not fully persuasive.
3. Regarding the 102(b) rejection over MISENHIMER, applicant argues that MISENHIMER does not disclose a speed reducer structurally configured to reduce rotating speed and transmit the reduced speed to the rotatable transfer joint. The Examiner disagrees. Upon further consideration, belt 20 of MISENHIMER clearly functions to reduce the rotary speed of motor 16 and the rotatable transfer joint (any of 27/28/34/32/30) as shown by the motor pulley 18 being smaller relative to pulley 21 thereby reducing the rotary speed.
4. Applicant's arguments in view of the amended claims with respect to the 102(e) rejection over WULF have been fully considered and are persuasive. The rejection has been withdrawn.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 5-6, 8-10 & 19 are rejected under 35 U.S.C. 102(b) as being anticipated by MISENHIMER (previously cited). Re claim 1, MISENHIMER discloses a washing apparatus with base 11/13 including rotary motor 16 and washing tank 14 including at least one blade 54, a connection structure 13 detachably coupling the base with tank 14, and a speed reducer (belt 20) in the base and disposed between the motor and a rotatable transfer joint (any of 27/28/34/32/30) (see Figures 1 & 3-4 and relative associated text, especially page 1, second column, lines 32-44). Re claim 5, MISENHIMER further discloses means for controlling rotation of the blade (motor cord 17, *i.e.* turning apparatus on/off, page 1, lines 21-25). Re claim 6, MISENHIMER further discloses the tank having grips 59 (Figures 1, 3 & 5 and relative associated text). Re claim 8, MISENHIMER further discloses at least one convex longitudinal portion 54 on the inner wall of the tank (Figures 1, 3, & 5 and relative associated text). Re claims 9-10, MISENHIMER further discloses a cover 66 with a lock mechanism 68 (Figure 5 and relative associated text). Re claim 19, MISENHIMER further discloses the base having a guide 13 at the top to seat tank 14 (Figures 1 & 3 and relative associated text).

7. Claims 1-3, 5-6, 9, 19-20 & 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,951,351 to ERNSTER *et al.* ("ERNSTER"). ERNSTER discloses an appliance having a driving side base 24 with motor 46 and speed reducer 47,

Art Unit: 1746

tank 22 with blade 83 on a rotatable shaft, grip portion & cover, and a connection structure (rotatable transfer joint 81 of the base coupling rotary power to a transfer joint connected to blade 83), control means (buttons 139/140/142/145), the base having a guide 84 with fixing portions which lock to fixing portions on the bottom of the tank, the guide also serving as a protective projection which covers the periphery of the base transfer joint (see Figures 1 & 4 and relative associated text).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37

Art Unit: 1746

CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1-3, 5-10 & 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over WULF (previously cited) in view of applicant's admitted prior art or U.S. Patent No. 6,690,128 to COTTON *et al.* ("COTTON") or U.S. Patent No. 6,027,242 to THUMA ("THUMA '242") or U.S. Patent No. 6,012,837 to THUMA ("THUMA '837"). Re claims 1 & 5, WULF discloses an apparatus with motor driven base 32 with connection structure for a detachably mounted tank 34 including stirring blades 112, and means 68 for controlling the blade (see, for instance, Figure 3 and relative associated text). Re claims 2-4, WULF further discloses transfer joint 56 connecting the rotary drive base to a transfer joint (not shown) below rotatable blades 112 (Figure 3). Although WULF does not explicitly show a rotatable shaft connecting the motor to joint 56, the position is taken that such a shaft inherently must exist in order to transfer rotary power from the motor base to joint 56. Re claims 6-7 & 9-10, WULF further discloses the tank having a grip 70 (Figures 3 and 6), a water level line 78 (Figure 6), and a cover 82 with lock mechanism 84 (Figures 3 & 7). Re claims 19-20, WULF further discloses a guide 54 on top of the base (Figures 3/15) and tank fixing portions on the tank (190/200) and base (48/50) to lock the tank to the base (Figures 2-3 and relative associated text). Re claim 21, WULF further discloses sensors 66/67 connected to controller 224 for sensing/detecting presence of a top mounted tank and controlling rotary function of the base (Figure 4 & col. 13, lines 19-48). Re claim 22, WULF further discloses outer periphery projections 190/200 which cover the

transfer joints (Figure 2). It is noted that the term "washing" is considered intended use and given little patentable weight in the claimed structure. WULF discloses the apparatus for use in "household appliances" and discloses using different "rotation speeds" and "mixing" (col. 1, lines 6-17). Although WULF discloses using different rotation speeds, WULF does not expressly disclose a speed reducer between the drive base and the rotary blades. Applicant readily admits (for instance in Figure 41 and relative associated text) that it is well known to provide a motor driven rotary appliance with a speed reducer. COTTON teaches that it is known to provide a rotary appliance with speed reducers to reduce and control rotary speed to a desired level from an electric motor (see col. 3, lines 7-55). THUMA '242 & THUMA '837 each teach that it is known to provide speed reduction gears to a motor driven rotary apparatus to achieve reduction in rotary speed from an electric motor to a rotary blade (see col. 2, lines 51-57 of THUMA '242 & col. 1, lines 5-15 in THUMA '837). It would have been well within the level of ordinary skill in the art to provide the rotary appliance of WULF with speed reduction gears, as disclosed by applicant's admitted prior art or COTTON or the THUMA references, in order to provide a rotary appliance with means for reducing rotary speed of a blade connected to a higher speed rotary motor to achieve lower speed suitable for mixing. Moreover, there would be a reasonable expectation of success for one of ordinary skill in the art to supply the rotary apparatus of WULF with such speed reducers in order to reduce the rotary speed from the output of an electric motor.

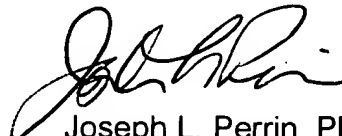
**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 4,071,789 to ERNSTER *et al*, which is substantially cumulative to ERNSTER cited above.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joseph L. Perrin, Ph.D.  
Primary Examiner  
Art Unit 1746